IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO: 2186 of 1995

Dated:22.08.2006

Between:
Smt M.Nirisha

..... PETITIONER

AND

The T.T.Devasthanam, Tirupati,
reptd by its Executive Officer
and another.

.....RESPONDENTS

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

WRIT PETITON NO.2186 OF 1995

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ORAL ORDER:

Heard both sides.

2. This writ petition is filed, *inter alia,* seeking directions to the first respondent-Devasthanam to continue the petitioner in service without any break and to pay the time scale of pay of regular Junior Lecturers with all benefits, and to declare the Memo, dated 06.08.2005, issued by the first respondent-Devasthanam, rejecting the petitioner's case for regularization on par with similarly situated Part-Time Lecturers, as illegal and arbitrary.

3. The facts, in brief, appear to be that the petitioner

was initially appointed on 02.12.1991, in a regular vacancy, as English Lecturer in the second respondent-College, run by the first respondent-Devasthanam. The said vacancy, admittedly, had been available since 1984. Certainly, some other individuals have also been appointed in other disciplines as Part-Time Lecturers in the second respondent-College run by the first respondent-Devasthanam. Regarding regularization, similarly placed persons approached this Court by way of filing writ petition and this Court passed an order directing the first respondent-Devasthanam to pay regular pay scale to them. The matter had been carried to Supreme Court and the Supreme Court, however, directed the respondent-Devasthanam to regularize the services of the Part-Time Lecturers. During the pendency of the matter before the Supreme Court, the Government itself had taken a decision to regularize the services of Part-Time Lecturers, who were similarly situated as that of the present petitioner, with regular time scale and accordingly, passed orders.

4. The grievance of the petitioner is that though the benefits were extended to all other similarly situated persons, the same benefits had not been extended to her.

5. In other words, she was discriminated as regards her regularization though the services of similarly situated persons as that of her were regularized.

6. It is pertinent to note that, initially, the Supreme Court in some other similar matters directed the first respondent-Devasthanam to pay minimum time scale, pending disposal of the matter. It is also to be noted that by virtue of the orders of the Supreme Court in similar matters, the first respondent-Devasthanam sought modification of

the interim orders passed by this Court, wherein and whereby the regular time scale was directed to be paid to the Part-Time Lecturers. However, because of the intervention of the Government, the services of all the Part-Time Lecturers, who were similarly situated as that of the present petitioner, have been regularized with regular time scale. But, the case of the petitioner was rejected only on the ground that she had not satisfied the conditions incorporated in G.O.Ms.No.362, dated 23.08.1991, which stipulates that the individual seeking regularization of services should have put in minimum continuous service of five years by 25.11.1993.

7. It is to be remembered that this contention had been raised for the first time in the counter-affidavit. No other reason had been assigned at any time, for rejecting the case of the petitioner for regularization of her services.

8. In other words, the reasons for rejecting the case of the petitioner for regularization of her services were not disclosed earlier, when an application was made by the petitioner seeking regularization of her services with regular time scale.

9. Further, interestingly the petitioner had been continuing her services as Part-Time Lecturer in the second respondent-College and the first respondent-Devasthanam had been extracting her services in that capacity, though, admittedly, a regular vacancy of English Lecturer has been available since 1984.

10. In my considered view, under these circumstances, there is absolutely no rationality in keeping the services of the petitioner as Part-Time Lecturer in the second respondent-College run by the first respondent-

Devasthanam.

11. Of course, there is no indefeasible right for any individual to have the vacancy filled, but, still it is the case of the petitioner that though with the intervention of the Government, the first respondent-Devasthanam had already regularized the services of eighteen (18) similarly situated Part-Time Lecturers, no plausible reason had been shown for rejection of her case for absorption on regular basis.

12. As already noticed, the second respondent-College has been extracting the services of the petitioner since 1991. Even at this length of time, the services of the petitioner are not been regularized and on the contrary, her services are extracted on Part-Time basis. The opportunities of the petitioner to be appointed on regular basis elsewhere had already been evaporated inasmuch as the petitioner is left with a short length of service.

13. Hence, having regard to the facts and circumstances of the case, I am of the view that since the action of the first respondent-Devasthanam in not regularizing the services of the petitioner is irrational, the writ petition is liable to be allowed.

14. Accordingly, the writ petition is allowed with a direction to the first respondent-Devasthanam to consider the case of the petitioner, keeping in view the above observations and with a pragmatic approach, for regularization of her services on par with 18 other similarly situated Part-Time Lecturers, whose services were already regularized. However, there shall be no order as to costs.

D.S.R.VARMA,
J

22.08.2006
DR